

### REMARKS

Claims 1 to 13, 16, 17, and 19 to 21 are in the application, with Claims 1, 9, and 17 being independent. Claims 14, 15, and 18 have been cancelled without prejudice. Reconsideration and further examination are respectfully requested.

Claims 1 and 7 to 10 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 7,057,151 (Lezec). Claims 2 to 6 and 11 to 21 were rejected under 35 U.S.C. § 103(a) over Lezec in view of U.S. Publication No. 2005/0053974 (Lakowicz). (It appears that Claims 18 and 19 were inadvertently omitted from the list of rejected claims set forth at page 3, paragraph 6 of the Office Action.) These rejections are respectfully traversed.

Claims 1 and 9 recite, *inter alia*, (i) a target substance detection element, including: a base; a metal structure (Claim 1) or a metal film having an aperture (Claim 9) arranged on a surface of the base in a localized manner; and a target substance capturing body fixed on a surface of the metal structure/film, wherein the metal structure (Claim 1) or the aperture (Claim 9) has a loop section or a crossing section, and the metal structure/film has a thickness between 10 nm and 100 nm, (ii) means for bringing the element into contact with the specimen, and (iii) detection means for detecting the target substance captured by the element by irradiating the element with light emitted from a light source and observing transmission of the light.

Claim 17 recites, *inter alia*, (i) a step of bringing a target substance detection element into contact with the specimen, the target substance detection element including: a base; a metal structure arranged on a surface of the base in a localized manner; and a target substance capturing body fixed on a surface of the metal structure, wherein the metal structure has a loop section or a crossing section, and the metal structure has a

thickness between 10 nm and 100 nm, and (ii) a step of detecting the target substance captured by the element when the specimen contains the target substance by irradiating the element with light emitted from a light source and observing transmission of the light.

Neither Lezec nor Lakowicz, even in the proposed combination, assuming, *arguendo*, that such could be combined, is seen to disclose or suggest at least the foregoing features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the claims and are dependent from the independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

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